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9 BAY AREA SURGICAL MANAGEMENT, LLC.

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BAY AREA SURGICAL MANAGEMENT,) Case No. 5:12-CV-01016-EJD  
LLC., (A limited liability company) )  
Plaintiff ) STIPULATION OF DISMISSAL AND  
[PROPOSED] ORDER  
v. )  
PRINCIPAL LIFE INSURANCE COMPANY )  
(A California Corporation), and DOES 1 )  
through 25, inclusive )

Defendants.)  
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STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL

1 WHEREAS, Plaintiff Bay Area Surgical Management, LLC filed a Complaint stating  
2 Causes of Action for 1) Breach of Contract; 2) Violations of California Business & Professions  
3 Code § 17200 et seq.; 3) Negligent Misrepresentation; 4) Promissory Estoppel; and 5) Equitable  
4 Estoppel on January 24, 2012;

5 WHEREAS, Plaintiff and Defendant Principal Life Insurance Company settled this  
6 matter on or about April 17, 2012.

7 THEREFORE, IT IS HEREBY STIPULATED by and between Bay Area Surgical  
8 Management, LLC. and defendant Principal Life Insurance Company through their designated  
9 counsel that the above-captioned matter should be dismissed with prejudice pursuant to FRCP  
10 41. The parties further stipulate that, except as set forth in the April 17, 2012 Settlement  
11 Agreement between them, the parties shall bear their own attorney's fees, expenses and costs.

12 IT IS SO STIPULATED.

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15 WILSON, ELSER, MOSKOWITZ,  
16 EDELMAN & DICKER LLP

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18 Dated: May 10 , 2012

By: /s/ Donald Sullivan

Donald Sullivan

Attorneys for Defendant PRINCIPAL LIFE  
INSURANCE COMPANY

21 LAW OFFICES OF NICOLAS LEZOTTE

22 Dated: May 10, 2012

By: /s/ Heather Gibson

Heather Gibson

Attorneys for Plaintiff  
BAY AREA SURGICAL MANGEMENT  
LLP

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28 STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL

1           The Court having considered the stipulation of the parties, and good cause appearing  
2 thereon, orders as follows;

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- 4       1. The action is dismissed with prejudice as against Defendant Principal Life Insurance  
5           Company pursuant to FRCP 41.
- 6       2. Each party shall bear their own costs and attorneys' fees.
- 7       3. The Court shall retain jurisdiction over this matter to enforce the terms of the April  
8           17, 2012, Settlement Agreement.
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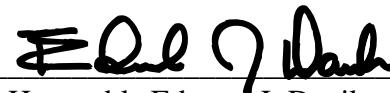
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11          IT IS SO ORDERED.

12          The Clerk shall close this file.

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14          Dated: May 17, 2012



15          Honorable Edward J. Davila  
16          Judge for the Northern District of California